

Otay Ranch Preserve Owner Manager Policy Committee Meeting
County Administration Center, Room 302/303
1600 Pacific Highway
San Diego, CA 92101

February 12, 2007
2:00 p.m. to 4:00 p.m.

AGENDA

1. Call To Order: Supervisor Greg Cox and Mayor Cheryl Cox
2. Preserve Owner Manager (POM) Process and Coordination (Smith)
3. Overview of POM (Trumbo, Lundstedt & Goddard)
4. Reports (Goddard, Trumbo, & Lundstedt)
 - a. Irrevocable Offer of Dedication (IOD) Status
 - i. Accepted (7 – 516 acres)
 1. McMillin
 - a. 7 – 516 acres
 - ii. Pending (12 – 1,058.09 acres)
 1. Otay Project LP/Otay Ranch Co. (7 – 857.18 acres)
 - a. Wolf Canyon (30.06 acres)
 - b. Proctor Valley Segment (772.90 acres)
 - c. 1999 Board Action (266.36 acres)
 2. Brookfield-Shea
 - a. 3 – 148.87 acres
 3. McMillin/South County Investors
 - a. 1 – 0.586 acres
 - b. Status of Long-Term Implementation Plan (Trumbo)
5. Action Items (Trumbo & Lundstedt)
 - a. IOD Easement Language
 - i. Existing Easements
 - ii. Planned Facilities
 - b. IOD Substitution Language
6. Public Comment
7. Adjournment

Otay Ranch Preserve Owner/Manager (POM)
Policy Committee
Staff Recommendations
February 12, 2007

Item 1: Proposed Irrevocable Offer of Dedication (IOD) Easement Language

Issue: Recommend change to IOD language relating to existing and planned infrastructure easements in order to conform to Resource Management Plan (RMP) Phases 1 & 2 and address relevant plans and policies

Background

In accordance with the Otay Ranch Resource Management Plan (RMP) Phases 1 and 2 conveyance plan requirements, IODs have been offered to the City of Chula Vista (City) and County of San Diego (County) for dedication of preserve land. There have been recent changes in both the County of San Diego (County) and the City of Chula Vista (City) procedures for processing IODs. With these changes, Preserve Owner Manager (POM) Staff determined the language previously included needed to be revised to be consistent with the Otay Ranch RMP and acknowledge the role of the POM as described in the RMP and Joint Powers Agreement (JPA).

Relevant Plans and Policies

Otay Ranch Resource Management Plan

RMP Phase 1, Policy 6.6 for the Otay Ranch Preserve (Preserve) states infrastructure facilities can be located within the Preserve as long as they meet the outlined criteria. As defined in the RMP, “*infrastructure facility*” is defined as a road, sewage, water, reclaimed water, or urban runoff facility. An excerpt from the RMP Phase I stating this policy is attached as Appendix A. The Figures mentioned in the excerpt depict the potential locations of roads, sewage, water, reclaimed water, and urban runoff facilities these figures were updated during the preparation of RMP Phase 2. The updated figures showing the conceptual locations of infrastructure are attached as Exhibits 1-6 in Appendix B.

County Multiple Species Conservation Program (MSCP) Subarea Plan

The County MSCP Subarea Plan, Section 3.3.3.8 included the RMP Phase I infrastructure plan by reference and is therefore consistent with the RMP.

City MSCP Subarea Plan

The City’s MSCP Subarea Plan also considers roads and infrastructure a conditionally compatible use within the Preserve. The City’s MSCP Subarea Plan describes certain infrastructure as “Planned Facilities”. Planned Facilities are those that have been specifically identified by the City to serve development approved by the City and are

specified in Table 6-1 (Attached as Appendix C). The locations of the infrastructure facilities were refined from those described in the RMP. Since the locations of infrastructure described and depicted in the RMP Phase 2 were conceptual, these refinements were anticipated.

Staff Recommendations

Subject to the criteria set forth in Policy 6.6 of RMP Phase I and Section 6 of the City's MSCP Subarea Plan, infrastructure can be found to be a compatible use within the Preserve. Per the RMP Phase 1, the phrase *infrastructure facility* is defined as a road, sewage, water, reclaimed water, or urban runoff facility. The type of infrastructure should be defined in the IOD easement language, because each type of infrastructure facility could potentially have different types of impacts. Inclusion of the "Planned Facilities" into the RMP may require County Board of Supervisors and the City of Chula Vista City Council action to amend the RMP.

1. Existing Facilities

Staff recommends the language be modified to acknowledge existing infrastructure easement rights. Existing infrastructure easement rights would transfer to the POM along with the title to the land. These rights should be acknowledged within the IOD to clarify their existence.

2. Planned Facilities

The locations of the infrastructure facilities referenced in the RMP and the "Planned Facilities" should be consistent in both the RMP and the City's MSCP. POM Staff has reviewed the RMP and the City's MSCP and recommends the POM Policy Committee allow for the "Planned Facilities" as described in Section 6.3.3 and Table 6-1 of the City's MSCP Subarea Plan to be located within the Preserve. POM Staff recommends that future IOD language be modified to allow for planned infrastructure easements as described above.

Staff Recommendation – Item 1

Mayor Cox: Move that Committee accept staff recommendation on Item 1

Supervisor Cox: Second

Vote: 2/0

Item 2: Proposed Irrevocable Offer of Dedication (IOD) Substitution Language

Issue: Substitution of any IOD lands should be approved by POM staff, POM Policy Committee, and decision-making body (as appropriate)

Background

Substitution language should include information regarding the location of the substituted land, the need for title clearance, Phase I hazardous material clearance, and the need for review and approval by POM Staff, Preserve Management Team, or Policy Committee.

Staff Recommendations

County Recommendation

The POM Preserve Management Team recommends modification of the proposed substitution language based on the following concepts:

- Grantor shall have the right to substitute other real property for portions of the real property described herein, subject to the approval of the Preserve Owner/Manager.
 - Grantor shall provide studies and other documentation that provides evidence that the land proposed for substitution:
 - Is located within the boundaries of the Otay Ranch Preserve Conveyance Area;
 - Has title free from any encumbrances, subject to the satisfaction of the City and the County; and
 - Has a Phase I Report which confirms absence of hazardous materials.

Upon satisfaction of the above conditions, the Preserve Owner/Manager Staff will recommend for concurrent approval to the appropriate decision-making body:

1. Vacation of the Irrevocable Offer of Dedication for land that is subject to the substitution and
2. Acceptance of Substitution Irrevocable Offer of Dedication of land to be conveyed to the City of Chula Vista and the County of San Diego as Preserve Owner Manager.

Staff Recommendation – Item 2

Mayor Cox: Move acceptance of staff recommendation on Item 2

Supervisor Cox: Second, with revision to add the word, “subject” to the second bullet after the word encumbrances.

Vote: 2/0

Appendix A:

Excerpt from the RMP Phase I

Policy 6.6

Infrastructure may be allowed within the Preserve; conceptual locations of infrastructure facilities located within or crossing the Preserve are illustrated in Figures 14-18 (final infrastructure plans may deviate from the conceptual locations shown as long as Preserve resources are not adversely affected).

Standard: Develop a general infrastructure plan in conjunction with the first SPA of the Phase 2 RMP that provides standards and criteria to guide specific infrastructure siting and design during the phased buildout of Otay Ranch.

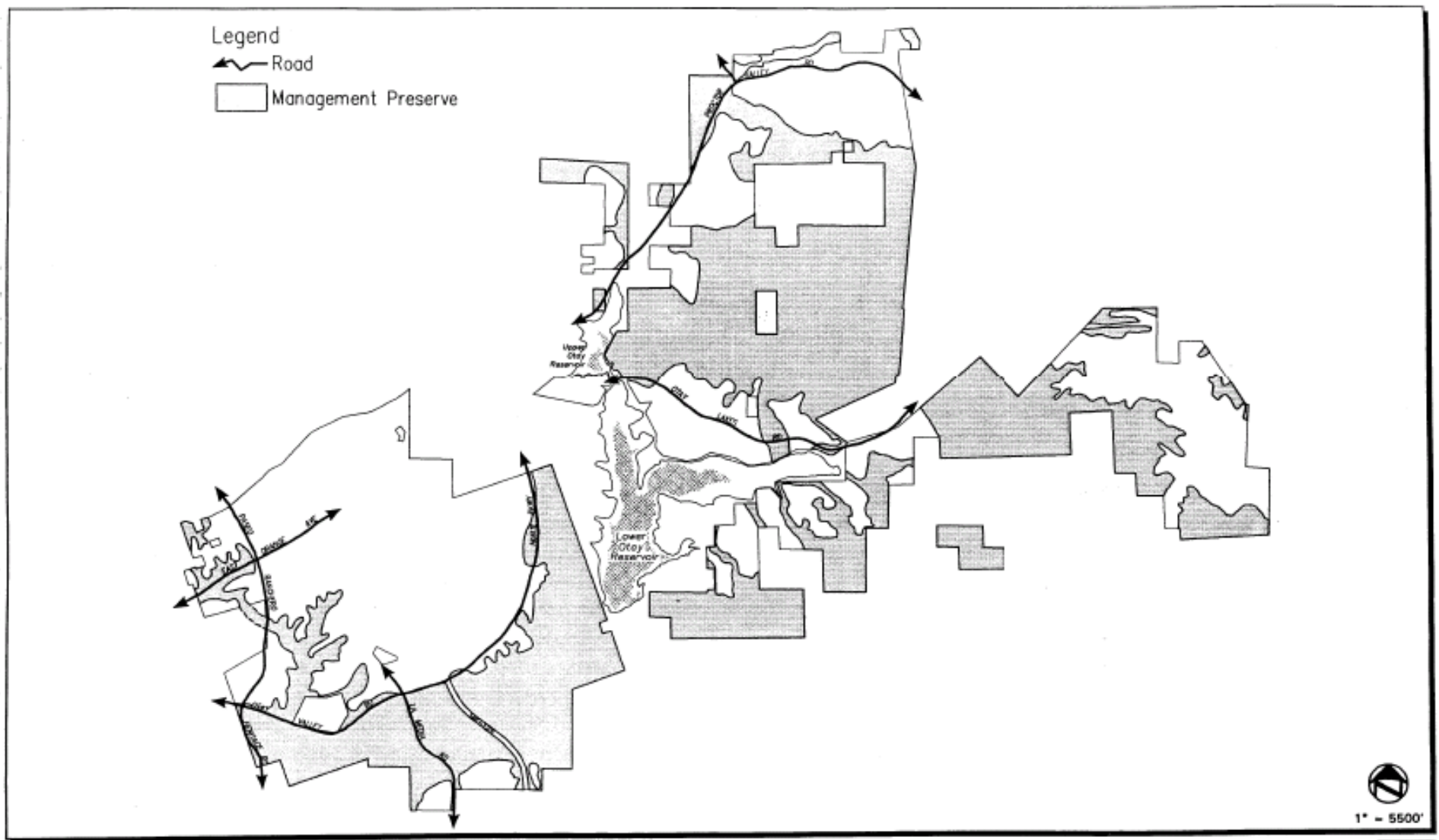
Guidelines:

- 1) Infrastructure facilities shall be sited and designed to minimize visual and other impacts to Preserve resources.
- 2) Infrastructure plans and their implementation shall be subject to review and comment by the appropriate jurisdictions in coordination with the Preserve Owner/Manager.
- 3) CEQA mitigation requirements for impacts associated with infrastructure shall be reviewed by the appropriate jurisdictions and the Preserve Owner/Manager if such improvements are located within the Preserve.
- 4) When feasible, place infrastructure in roadways or outside the Preserve.
- 5) Mitigation measures for facilities shall conform to restoration/mitigation proposals of the RMP.

Policy 6.7

Fire roads shall be permitted within the Preserve only where absolutely necessary to assure public safety and control wildfires that may damage biological resources.

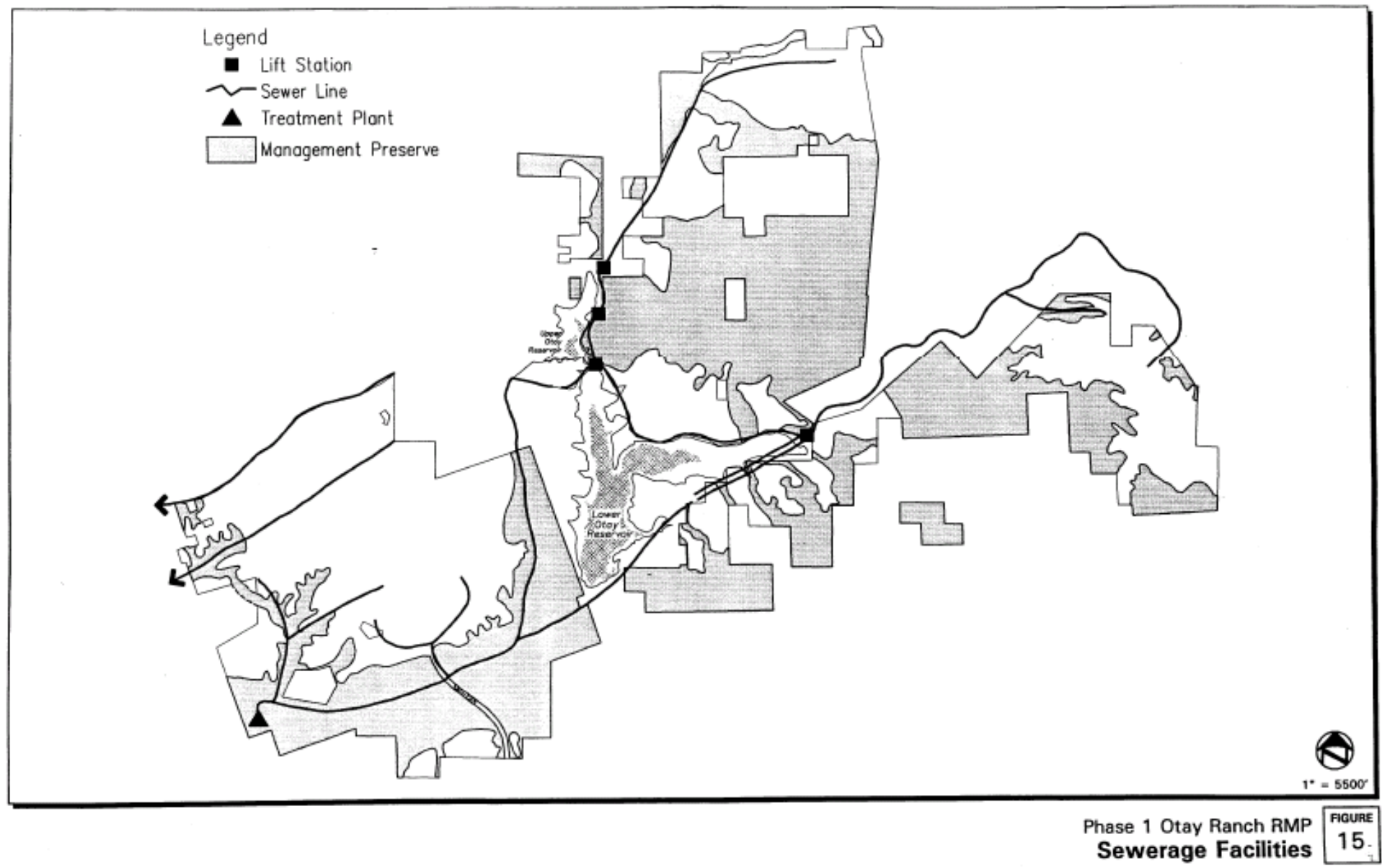
Appendix B, *Exhibit 1*



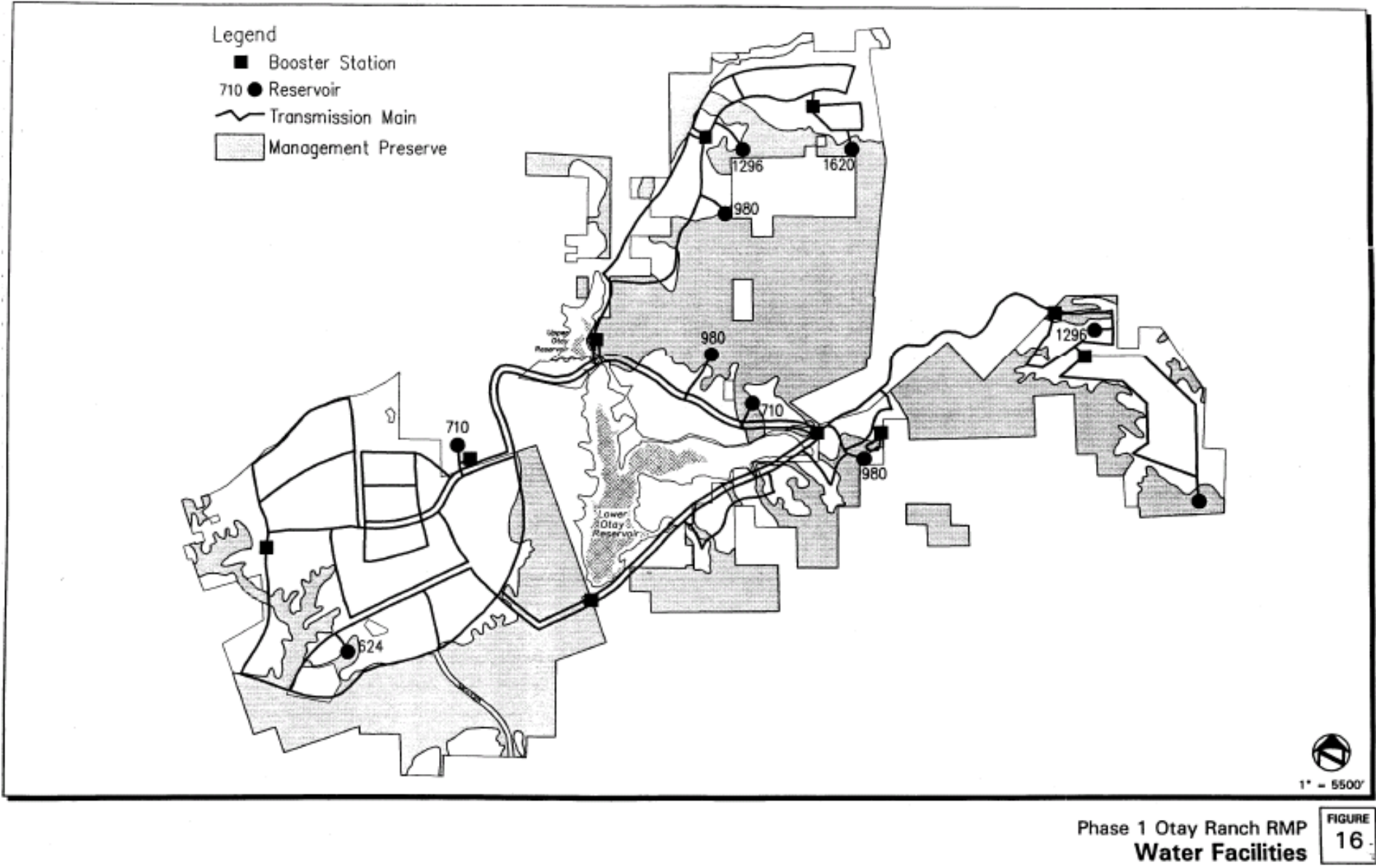
Phase 1 Otay Ranch RMP
Public Roads

FIGURE
14

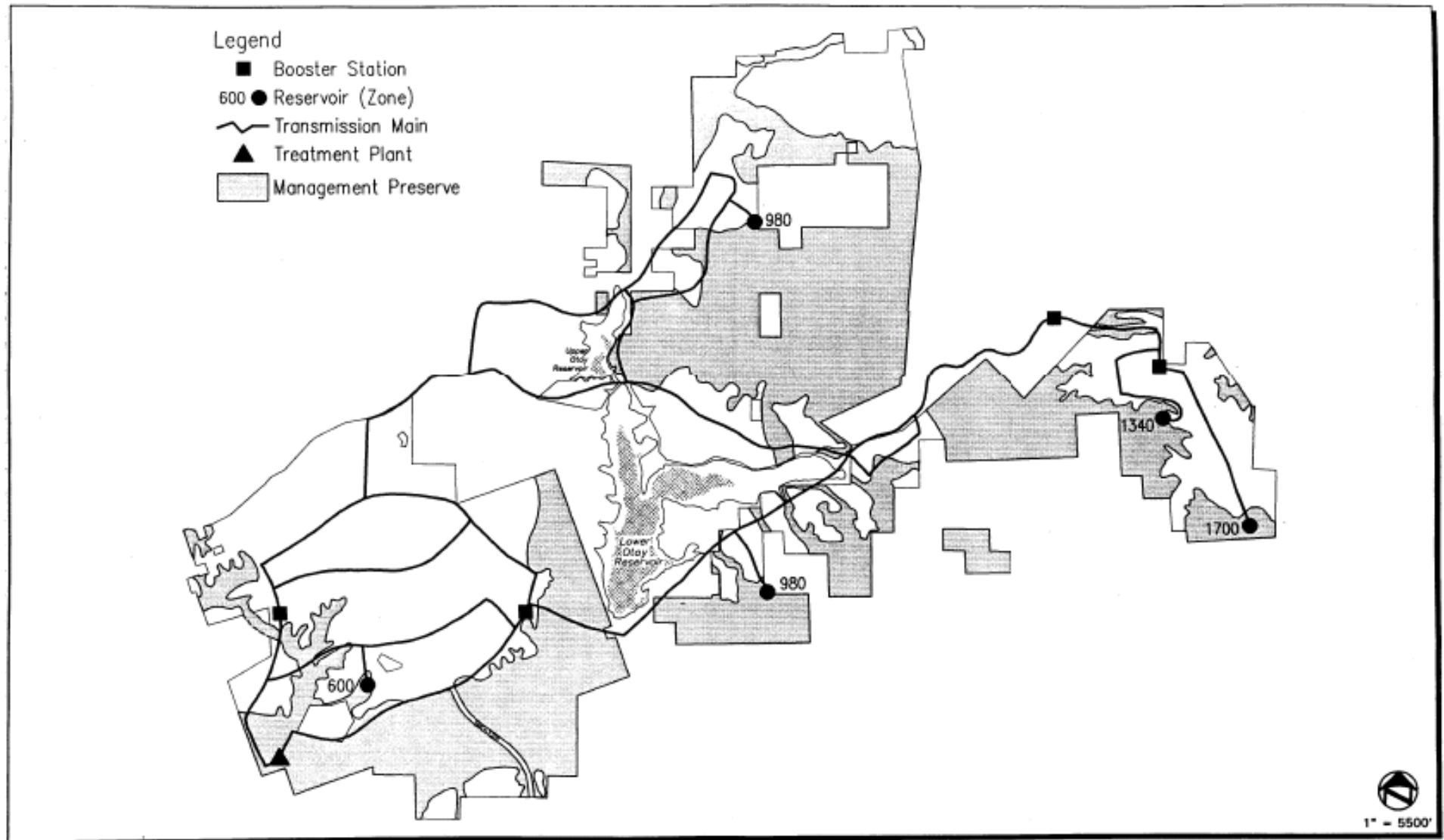
Appendix B, *Exhibit 2*



Appendix B, *Exhibit 3*



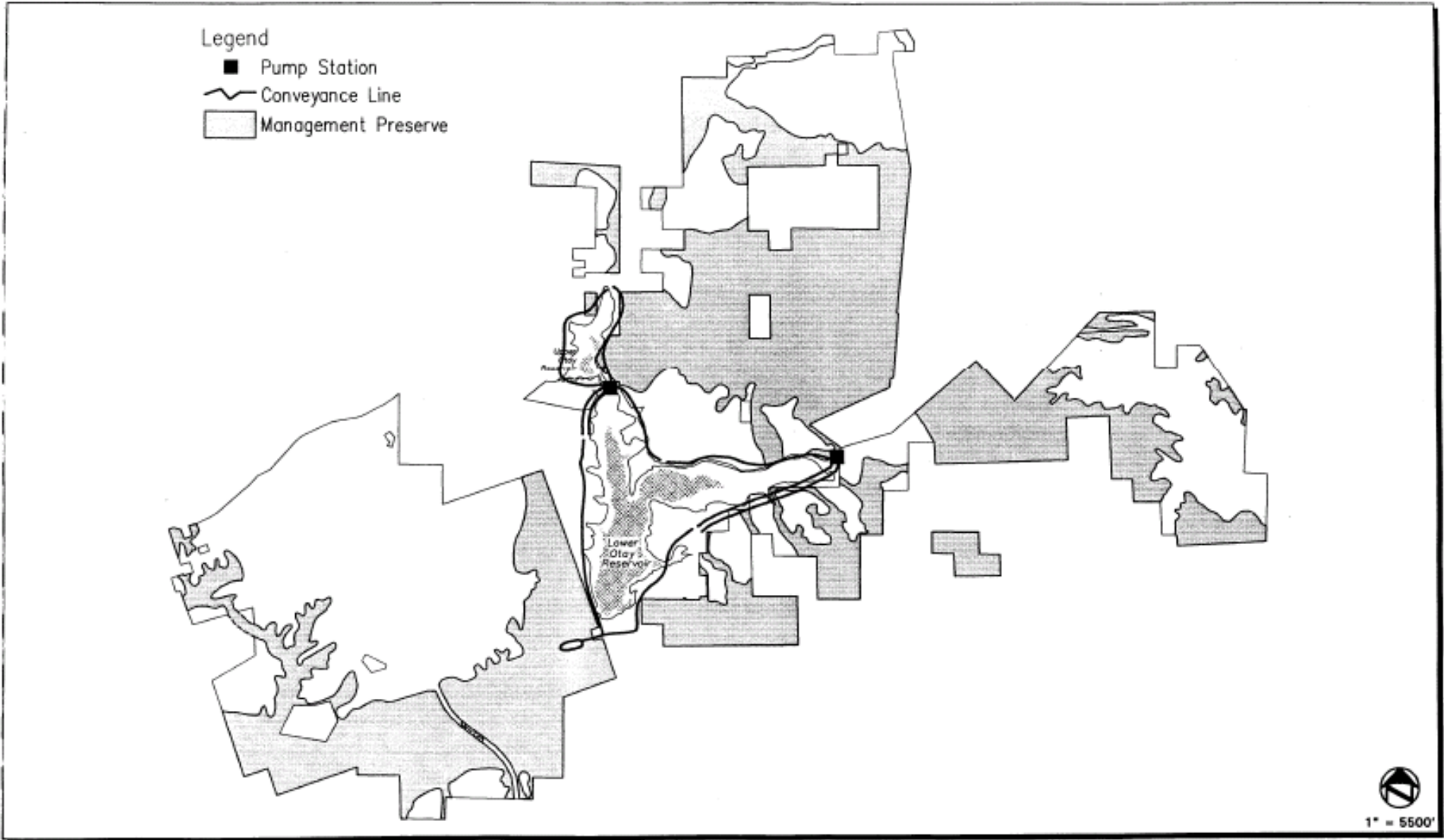
Appendix B, *Exhibit 4*



Phase 1 Otay Ranch RMP
Reclaimed Water Facilities

FIGURE
17

Appendix B, *Exhibit 5*



Phase 1 Otay Ranch RMP
Urban Runoff Facilities

FIGURE
18

Appendix C

City of Chula Vista MSCP Planned Infrastructure Facilities

Table 6-1: Planned Facilities

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
Otay Lakes Road	<ul style="list-style-type: none"> • Siting of this facility is subject to the: <ul style="list-style-type: none"> a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). • Take Authorization for the portions of this facility located outside the City will be pursuant to the County of San Diego Subarea Plan, South County Segment. • If Otay Lakes Road is not excluded from the Cornerstone Conservation Bank Agreement, the Wildlife Agencies will require that any Take within the Cornerstone Lands resulting from construction of the road must be deducted from the available conservation bank credits.
Proctor Valley Road	<ul style="list-style-type: none"> • Siting of this facility is subject to the: <ul style="list-style-type: none"> a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). • Siting of this facility is subject to the Rolling Hills Ranch SPA Plan and Tentative Map, which allow realignment of the City/County segment. • Take Authorization for the portions of this facility located outside the City will be pursuant to the County of San Diego Subarea Plan, South County Segment. • If Proctor Valley Road is not excluded from the Cornerstone Conservation Bank Agreement, the Wildlife Agencies will require that any Take within the Cornerstone Lands resulting from construction of the road must be deducted from the available conservation bank credits.
Otay Valley Road (will become Main Street)	<ul style="list-style-type: none"> • Siting of this facility is subject to the: <ul style="list-style-type: none"> a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
Otay Valley Road (continued)	<p>(Appendix E).</p> <ul style="list-style-type: none"> • Take Authorization Otay Valley Road (which will be renamed “Main Street”) will be extended easterly to connect to Rock Mountain Road. • That portion of the Otay Valley Road originally designed to continue easterly from Rock Mountain Road to SR 125 will be subject to further evaluation, and separate Take Authorization. Take Authorization for that portion is not provided through this Subarea Plan. The City will evaluate the potential to relocate that portion of the facility outside the Preserve and/or remove that portion of the facility. If the City determines, after full evaluation, that all or (a) portion(s) of the road may be eliminated from the Preserve, the City will amend the Otay Ranch GDP accordingly and/or incorporate such design changes into the final design of the facility, as appropriate.
La Media Road	<ul style="list-style-type: none"> • Siting of this facility is subject to the: <ul style="list-style-type: none"> a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). • Take Authorization for the portions of this facility located outside the City will be pursuant to the City of San Diego or County of San Diego Subarea Plans. • The data developed and analysis completed related to La Media Road as part of the SR 125 corridor study will be considered during siting analysis and CEQA review, as appropriate. • La Media Road will be a permitted use under the Take Permit authorized by this Subarea Plan. It is recognized that the City will seek a Section 404 permit, triggering consultation with the Federal agencies. In addition, the City commits to work jointly with the Wildlife Agencies during CEQA review for the project to identify an alignment of the road which results in the least adverse impact to sensitive resources feasible. The City will apply a standard of no-net-loss for mitigation of impacted Wetlands under CEQA review.
La Media Road (continued)	<ul style="list-style-type: none"> • Although the siting of La Media Road has not yet been finalized:

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
	<p>a. The Wildlife Agencies have reviewed the tentative alignment and have concluded that if impacts to covered Narrow endemic Species cannot be avoided as a result of the final alignment La Media Road, the City may purchase one acre of expanded Otay Ranch Tarplant Preserve land on the San Miguel Ranch; and</p> <p>b. The Wildlife Agencies concur that purchase of said property for inclusion into the San Miguel Ranch Otay Tarplant Preserve or other equivalent Otay tarplant Preserve land acceptable to the Wildlife Agencies will constitute equivalency for impacts to Narrow Endemic Species resulting from the final alignment of La Media Road.</p> <p>Alternatively, the City may mitigate potential impacts pursuant to Section 5.2.3 of this Subarea Plan.</p>
Paseo Ranchero	<ul style="list-style-type: none"> • Siting of this facility is subject to the: <ul style="list-style-type: none"> a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). • Paseo Ranchero will be a permitted use under the Take Permit authorized by this Subarea Plan. It is recognized that the City will seek a Section 404 permit, triggering consultation with the Federal agencies. The City will apply a standard of no-net-loss for mitigation of impacted Wetlands under CEQA review.
Alta Road	<ul style="list-style-type: none"> • Take Authorization for Alta Road is not provided through this Subarea Plan. Alta Road will be subject to a separate permitting process for receiving Take Authorization.
Rock Mountain Road	<ul style="list-style-type: none"> • Siting of this facility is subject to the: <ul style="list-style-type: none"> a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).
Mount Miguel Road	<ul style="list-style-type: none"> • Mount Miguel Road will be subject to the conditions of the San Miguel Ranch MSCP Annexation Agreement described in Section 7.5.6.4 of this Subarea Plan.
Rolling Hills Ranch; (Two-lane road)	<ul style="list-style-type: none"> • The two-lane road in Rolling Hills Ranch connecting Neighborhoods 9 through 12 are provided Take Authority

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
	pursuant to this Subarea Plan and in consideration for the Conditions of Coverage for Rolling Hills Ranch as discussed in this Plan and specifically cited in Section 7.5.6.3.
Rolling Hills Ranch Road to Future 1296 Reservoir	<ul style="list-style-type: none"> • This facility will be subject to mitigation pursuant to agreement between the OWD and the Wildlife Agencies.
Rolling Hills Ranch / Bella Lago roadway connections	<ul style="list-style-type: none"> • Two road connections from Rolling Hills Ranch to Bella Lago are provided Take Authorization pursuant to this Subarea Plan and in consideration for the Conditions of Coverage for Rolling Hills Ranch and Bella Lago as discussed in this Plan and specifically cited in Sections 7.5.6.3 and 7.5.6.5.
Southern Trolley Line	<ul style="list-style-type: none"> • Take Authorization for the southern trolley line is not provided through this Subarea Plan. The southern trolley line will be subject to a separate permitting process for receiving Take Authorization.
Salt Creek Interceptor, Wolf Canyon Sewer and Otay Valley Trunk Sewer (and associated ancillary sewer facilities including, but not limited to, pump stations, connections and maintenance access roads)	<ul style="list-style-type: none"> • Siting of these sewer facilities is subject to the: <ol style="list-style-type: none"> a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). • BMPs will be used to design and maintain these facilities. • Sewer lines will be sited to avoid mitigation sites created as mitigation for other projects. • Maintenance access roads related to these sewer facilities will be sited to avoid to the maximum extent practicable impacts to Covered Species and habitats, including covered Narrow Endemic Species, pursuant to the Facilities Siting Criteria in Section 6.3.3.4 of this Subarea Plan.
Salt Creek Interceptor, Wolf Canyon Sewer and Otay Valley Trunk Sewer (and associated ancillary sewer facilities including, but not limited to, pump stations, connections and maintenance access roads) (continued)	<ul style="list-style-type: none"> • Through Salt Creek where new maintenance access roads must be developed, road widths will be limited to 12 feet, within a 20-foot disturbance corridor. Through the Otay River Valley where existing unpaved roads will be utilized, road widths will be limited to 20 feet. Maintenance access roads will be constructed as follows: <ol style="list-style-type: none"> a. Access roads will be constructed of concrete-treated base (CTB) material with aggregate rock to minimize frequency of maintenance.

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
	<ul style="list-style-type: none"> b. Where access roads exceed a 5% grade, concrete or asphalt may be permitted to ensure maintenance vehicle traction. c. Where cross-drainage occurs, concrete aprons may be permitted to minimize erosion. d. Appropriately sized concrete brow ditches on the uphill edge of access roads may be permitted to minimize erosion. • Temporary impacts related to these sewer facilities will be revegetated pursuant to Section 6.3.3.5 of this Subarea Plan. • Public access to finger canyons associated with the primary canyons involving these facilities will be limited, pursuant to the Otay River Valley Framework Management Plan, Section 7.6.3 of this Subarea Plan.
Poggi Canyon Sewer (and associated ancillary sewer facilities including, but not limited to, pump stations, connections and maintenance access roads)	<ul style="list-style-type: none"> • The Poggi Canyon sewer is under construction. The facilities located within the Sunbow II project that traverse the Preserve are subject to the Project Specific Management Requirements for Sunbow identified in Section 7.5.6.1 of this Subarea Plan.
Otay River Valley Equestrian Staging Areas (located in the active recreation area(s))	<ul style="list-style-type: none"> • The equestrian staging areas will be subject to the Otay Ranch RMP Phase 1, Policies 6.2 and 6.3 (Appendix D). • Equestrian staging areas in the Otay River Valley must be sited within the active recreation areas. • A brown-headed cowbird trapping program for these equestrian staging areas will be established and implemented as part of the area-specific management directives for the Otay River Valley.
Trails designated in the OVRP Concept Plan	<ul style="list-style-type: none"> • The trails designated in the OVRP Concept Plan are authorized for Take pursuant to this Subarea Plan, subject to the provisions of the City Planning Component Framework Management Plan, Section 7.5, the Public Access, Trails and Recreation guidelines, Section 7.5.3, and the Otay River Valley Framework Management Plan, Section 7.6.3.
Otay River Valley Interpretive Centers (located in the active recreation area(s))	<ul style="list-style-type: none"> • The Otay River Valley interpretive centers are authorized for Take pursuant to this Subarea Plan, subject to the Otay Ranch and 6.3 (Appendix D). • Interpretive centers in the Otay River Valley must be sited within the active recreation areas.